

SENATE BILL REPORT

SB 5030

As of February 2, 2011

Title: An act relating to civil judgments for assault.

Brief Description: Authorizing civil judgments for assault.

Sponsors: Senators Hewitt, Sheldon, Schoesler and Rockefeller.

Brief History:

Committee Activity: Human Services & Corrections: 2/01/11.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: The Department of Corrections (DOC) deducts funds from amounts deposited in inmate accounts. Deposits are classified as Class I gross wages, or Class II through IV gross gratuities. Currently, only gross gratuities are available to offenders in Washington. The nature and amount of the deduction taken varies depending on the classification of the deposit. By way of illustration, the following deductions are taken from Class II gross gratuity deposits:

- 5 percent to the state general fund;
- 10 percent to an inmate personal savings account;
- 15 percent to DOC for cost of incarceration;
- 20 percent for legal financial obligations; and
- 15 percent for any child support owed pursuant to court order.

In addition, similar deductions are taken from all other types of deposits made to inmate accounts, which may total up to 75 percent of the deposit.

Summary of Bill: An additional deduction from deposits into a DOC inmate account is added for payment of monetary damages pursuant to a civil judgment of assault awarded to a DOC employee who has been assaulted by the offender associated with the inmate account. The deduction is 20 percent from gross wages, 15 percent from any gross gratuities, and 20 percent from all other deposits.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill streamlines the process of collection for civil judgments of assault. The garnishment procedure is slow, burdensome, and expensive. It will be easy to implement because the system for deductions already exists. This bill provides accountability and deterrence, by taking away an inmate's ability to purchase creature comforts. Being assaulted is not part of a correction officer's job. It is difficult to deter an inmate who is already serving a life sentence. Assaults can have a profound impact on corrections officers. Civil judgments of assault work to deter the majority of inmates. This bill helps to teach social responsibility.

Persons Testifying: PRO: Senator Hewitt, prime sponsor; Brandon Johnson, Jimmy Fletcher, Jack Richardson, Darren Kelly, Washington Staff Assault Task Force; Bob Maroun, California Staff Assault Task Force; Keith Brodhead, Walla Walla State Penitentiary; John Poyner, Coyote Ridge Correctional Facility; Scott Blonien, DOC.